

Appl. No.: 10/711,928  
Amdt. Dated: 1/9/2006  
Reply to Office action of: 10/31/2005

**AMENDMENTS TO THE DRAWINGS:**

There are not amendments to the drawings being submitted herewith.

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### **REMARKS/ARGUMENTS**

Claims 2, 4, and 5 remain in this application. Claims 1 and 3 were previously canceled. Claims 4 and 5 have been amended to correct minor typographical and claim formatting errors. Support for these amendments may be found, for example, in the specification and Figure 1.

No new matter has been introduced by these amendments.

Claims 2 and 4 – 5 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states:

In regards to claim 2, “said corresponding recesses” and “said electronic module” cite combination/subcombination problem because they are not positively cited in independent claim 4.

Claim 4, lines 11, 13 –14, “automobile battery” and “electronic module” are indefinite because they cite combination/subcombination problem. “Automobile battery” and “electronic module” are not positively cited in preamble of independent claim 4. The applicant cited “whereby” in line 11 (claim 4), which is a functional language but then the applicant positively cited “automobile battery” and “electronic module” in the functional language paragraph, which cause combination problem.

Claim 5, lines 12, 14 – 16, “automobile battery”, “electronic module” and “battery terminal” are indefinite because they cite combination/subcombination problem. They are not being positively cited in preamble of independent claim 5. The applicant cited “whereby” in line 12 (claim 5), which is a functional language but then the applicant positively cited “automobile battery”, “electronic module” and “battery terminal” in the functional language paragraph, which cause combination problem.

Applicant respectfully traverses this rejection. By this amendment, claims 4 and 5 both clearly recite “automobile battery” and the “electronic module” in the preamble of each claim. In addition, both claims 4 and 5 have had the functional language “whereby” removed and sentence structure improved. Claim 2 is dependent on an independent claim 4 which correctly provides support in the claim preamble.

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Clearly the claims presently presented herewith overcome these rejections under 35 U.S.C. 112, second paragraph and the removal of said rejections is earnestly solicited.

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 6,497,395 to Croker. Specifically, the Examiner states:

Croker teaches a support (figure 1) comprising a U-shaped profile (1) having a first pair of branches (8) connected to a body (2) and the second end of each of the first branches having a pin (28) located near the second end. The support includes an intermediate pair of branches (10, 12, 14, 16) joined at a first end to the body between the pair of first branches and oriented substantially ninety degrees to the pair of first branches. The second end (4, 6) of each intermediate branches having a pin located near the second end. The pins of the intermediate pair of branches are claws locking (4', 6').

Applicant respectfully traverses this rejection. The key to Applicants' invention is a support that allows for the attachment of an electronic module to an automobile battery which may be attached in any orientation because the support has a pair of branches exhibiting elastic deformation. In addition, the support of the present invention provides a fixing means for the electronic module that also may be used in any orientation while providing secure mounting by means of pins at the end of a pair of branches. Particularly not needed because no electrical current passes through the support there is no requirement for heat dissipation or critical sizing based on electrical current needs. Also not required is that the support be mounted in a vertical orientation because gravity is not required to maintain the support to the battery.

A fair reading of Croker 6,497,395 discloses a mounting bracket (1) (support) for mounting in an electrical service box of the type mounted vertically in the walls of buildings to allow the mounting of a fixture element such as, for example, a plastic mount (40) for mounting electrical cables in said electrical service box. The support mounts to the electrical service box by means of lugs (28) (pins) which fit in corresponding slots in said electrical service box and are held in place by gravity holding the support from sliding out of said slots. Likewise the flanges (4 and 6) having lugs (4' and 6') (pins) of the support require that the mount must be in a vertical position to keep it fixed in the mounted position on said flanges.

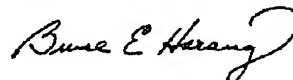
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Clearly, when viewed in this light the Croker 6,497,395 reference does not disclose, teach, or suggest the support utilizing the pins and elastic deformation to lock said support to an automotive battery of Applicants' present invention.

The Examiner has acknowledged that Claims 2, 4 and 5 are allowable if the term "automobile battery" is positively cited in the claims. By this amendment Applicant has indeed positively recited "automobile battery" in the claims and removed the functional language "whereby".

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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